

PARTNERSHIP COUNCIL MEETING

MINUTES 20 January 2005

Attendees: Pete Barger Leroy Scott Jerry Pershica Charles Cuaderes Jack Musgrove
Tracy Isham Randy Leathers Tony Gunion Joe Merkle Michael Bliss
Guest: Mike Taylor, AASF-LEX Safety Officer
Recorder: Donna Kendall

1. **Meeting Called to Order:** 20 January 2005 at 1017 hrs. at CSMS, Norman, Oklahoma
2. **Co-Chairman:** MAJ Clifton (Pete) Barger
3. **Old Business:**

a. Union Partnership Council Members. Until it is determined that a majority of union members are back from deployment, election for President cannot take place. During the interim, the Vice President, Leroy Scott will serve as Co-Chairman.

b. Employment physical. Past physicals were done for UTES at McAlester; MATES at Ft Sill (because it was a tenant). When McAlester would no longer do physicals for us and Ft Sill would not contract to do physicals for everyone, I (Merkle) had to find what I could and they do a real good, thorough physical. (**Further Action:** None)

c. Web Site. Has been completed. It is on the HRO home page, click link on left "Labor Relations" Currently the contract is available. The past minutes should be up soon. (**Further Action:** None)

d. Technician Slots. Due to mobilizations and reorgs, technicians have been placed in incompatible slots, excess slots, or forced transfer (some 100 mile). Before moving technician, memo should go through HRO before going to anyone else to ensure compatibility. Merkle points out that each of us should bring this issue up during the annual EO/EEO training. Filling a technician's slot during deployment has also been an issue. Commanders and AGR are moving technicians to compatible slots and we need to ensure procedure is followed. The TPR regulates that a position can be filled for 90 days without being advertised. It is counterproductive to continually change people every 90 days, also can give unfair advantage to person by providing credible time without competition. Case given was OMS#17. (**Further Action :** Merkle to look into issue and follow up with HRO)

4. New Business

a. Labor side working to get back to speed since deployment and loss of president. Currently, the executive board is: President-Vacant; Executive Vice President-Leroy Scott; Secretary-Vacant; Treasurer-JoeGilmore; 1st VP-Tracy Isham; 2nd VP-Mike Bliss; 3rd VP-Vacant; Shop Steward UTES-Randy Leathers; AASF#1-Jerry Tolson; CSMS-Gary Blough; OMS#1-George Simms; OMS#17-Vacant. Currently Leroy Scott is determining whether or not a majority of member are back from deployment so that elections can be held. (Action Officer: Leroy Scott)

b. Leave Claim Credit: The decision of *Butterbaugh v. Department of Justice*, 336 F.3d 1332 (Fed. Cir. 2003), allows for technician to claim credit for use of military leave on non-working days (See OPM memo dtd 13 Oct 04). The statute of limitation is six (6) years and only 4 days per year can be claimed. Currently, this matter is being revisited which may lengthen the period covered and/or remove the limit of days per fiscal year. To protect the claim, it is best for each technician affected to get their claim into HRO so that it is received by the agency prior to the 6 year limitation. If the rules on this changes, then the claim can be amended. Rules for submitting a claim are found at 5 CFR Part 178§178.102. There is no specific form, however a sample memorandum is provided to the members that contains the required information. Those technicians that have retired or otherwise separated are also eligible for recovery. You should send the memo with a transmittal (i.e. DA Form 200) to ensure that a date/time stamped receipt is returned to you. (Action: Each individual technician's responsibility)

c. Locker space at AASF: Reduction of locker space and change of clothing for fuel spill. Will be discussed at AASF. (No Further Action Required)

d. Membership:

NAME	TERM OF SERVICE	POSITION	EXPIRATION
CPT Pete Barger	eighteen (18) months	Co-Chairman	Jun 05
CW3 Carlos Cascante	eighteen (18) months	Member	Nov 06
SFC Jack Musgrove	twelve (12) months	Member	Jan 06
MSG Jerry Pershica	eighteen (18) months	Member	Jun 05
	twelve (12) months	Member	
CW2 Charles Cuaderes	twenty-four (24) months	Member	Jan 05

Leroy Scott	Indefinite	Co-Chairman	none
Michael Bliss	Indefinite	Member	none
Tracy Ishham	Indefinite	Member	none
Randy Leather	Indefinite	Member	none
Gary Blough	Indefinite	Member	none
Tony Gunion	Indefinite	Member	none
MAJ Joseph Merkel		SAO/SAFE REP	

5. **Next Meeting:** The next scheduled Partnership Council Meetings is 12 May 2005 beginning at **1000hrs** at **OMD Conference Room, OKC, OK**. The Partnership Council Agreement will be signed with the AG and Public Affairs will photograph. Notice will be given should intermediate meeting(s) be necessary.

6. **Adjournment:** There being no further business, the meeting was adjourned.

Labor and management work together to identify problems in the maintenance arena. We identify a situation that requires attention, identify the issue, and try to come up with a solution that meets labor, management, and organizational needs. We don't create policy--we recommend resolutions.—Partnership Council Minutes 7 Jan 03



REPLY TO
ATTENTION OF

**DEPARTMENT OF THE ARMY
OKLAHOMA ARMY NATIONAL GUARD
ARMY AVIATION SUPPORT FACILITY # 1**

16201 144TH STREET, BLDG 101
LEXINGTON, OK. 73051-9549
(405) 217-8121/DSN628-8121

12 May 2005

MEMORANDUM FOR: OKHRO, ATTN: LTC Shirley Kyles 3501 Military Circle, Oklahoma City, OK 73111

SUBJECT: Claim for Annual Leave credit as a Result of Decision *Butterbaugh v. Department of Justice*

1. This memorandum is a claim for restored annual leave for the military leave used during non-workday by:

CLAIMANT NAME:
ADDRESS:
TELEPHONE NUMBER:
FAX NUMBER

2. On 23, 24, and 25 January 1999, military leave were used for non-working days as evidenced by the attached payroll documents for pay period ending 30 January 1999. A total of 3 days of military leave were used for non-working days in fiscal year 1999.

3. On 25 March 2000, military leave was used for a non-working day as evidenced by the attached payroll documentation for pay period ending 25 March 2000 (USPFO FORM 3 Technician Time and Attendance Record, orders, USPFO form 69). A total of 1 day military leave was used for a non-working day in fiscal year 2000.

4. Restored annual leave should be credited to my leave account in accord with 5 U.S.C. 6304(d)(1)(a) and OPM regulations in the total amount of 4 days.

5. Please address and comments or questions concerning this memorandum the undersigned at 405-217- .

YOUR SIGNATURE BLOCK
GRADE
Title

Encls

PPE _____ documents
USPFO Form 3
Orders # _____ dtd _____
USFPO Form 69
PPE 30 Jan 1999 documents
USPFO Form 3
Orders 363-010 dtd 29 Dec 98
USPFO Form 69